

AO 440 (Rev. 06/12) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

for the

Southern District of New York

Aaron Rubenstein,

*Plaintiff(s)*

v.

Carlos Rodriguez, John R. Burch, Charles Keates,  
 Heinz Wiezorek, Charlotte Wiezorek, Eva Wiezorek,  
 Thomas Brunner, Gary Atwell, Susan Atwell, Larry  
 Souza, Sharon Souza, Robert Rubin, Nancy Rubin,  
 and Jennifer Coll, individually and as trustee for  
 unknown beneficiaries  
*Defendant(s)*

Civil Action No. 17 Civ. 821 (JPO)

and Sears Holdings Corp., Nominal Defendant

## SUMMONS IN A CIVIL ACTION

Robert Rubin and Nancy Rubin

To: *(Defendant's name and address)*

Address for both Defendants:  
 625 Bodwell Street Extension  
 Avon, MA 02322

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Miriam Tauber  
 MIRIAM TAUBER LAW  
 885 Park Ave 2A  
 New York NY 10075  
 or by email to: MiriamTauberLaw@gmail.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 3/8/2018

/s/ P. Canales

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06-12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* ROBERT RUBIN, 625 BODULOW ST. EXT.  
 was received by me on *(date)* 5/1/18 AVON, MA

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_

on *(date)* \_\_\_\_\_ : or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_

, a person of suitable age and discretion who resides there.

on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address: or

☒ I served the summons on *(name of individual)* BRAD RUBIN, V.P. (WHITE MALE, 55YO, 5'9", 175-61KG HAIR), who is  
 designated by law to accept service of process on behalf of *(name of organization)* ROBERT RUBIN

on *(date)* 5/4/18 : or

☐ I returned the summons unexecuted because \_\_\_\_\_

: or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date:

5/4/18

Mark Nicol  
 Server's signature

MARK NICOL - PROCESS SERVER  
 Printed name and title

PO BOX 889103  
MILTON, MA 02186  
 Server's address

Additional information regarding attempted service, etc:

**Served: Summons and Second  
 Amended Complaint with Exhibits.**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Aaron Rubenstein,

Plaintiff.

-VS-

Case No.  
17 Civ. 821 (JPO)

AFFIDAVIT OF  
MAILING

Carlos Rodriguez, John R. Burch, et al.


Defendants.

STATE OF NEW YORK}  
COUNTY OF NEW YORK}ss:

Reginald Hunter, being duly sworn, deposes and says, I am not a party to this action, am over 18 years old and reside at Bronx, NY;

On May 7, 2018, I mailed a copy of the within SUMMONS, SECOND AMENDED COMPLAINT to ROBERT RUBIN, defendant therein named, at 17 SAINT JAMES DRIVE, PALM BEACH GARDENS, FL. 33418-4018, his/her last known address by enclosing same in an envelope, postage prepaid, and depositing it in an official depository under the exclusive custody and control of the United States Postal service. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

Sworn to before me this  
7<sup>th</sup> day of May 2018.

  
Bruce Lazarus  
Lic. 1346142

  
NOTARY PUBLIC

MAUREEN I. MINTZER  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02MI4827421  
Qualified in Westchester County  
My Commission Expires May 31, 2018



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Souza, Sharon Souza, Robert Rubin, Nancy Rubin,  
and Jennifer Coll, individually and as trustee for  
unknown beneficiaries

Defendant(s)

and Sears Holdings Corp., Nominal Defendant

Civil Action No. 17 Civ. 821 (JPO)

## SUMMONS IN A CIVIL ACTION

Robert Rubin and Nancy Rubin

To: (Defendant's name and address)

Address for both Defendants:  
625 Bodwell Street Extension  
Avon, MA 02322

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Miriam Tauber  
MIRIAM TAUBER LAW  
885 Park Ave 2A  
New York NY 10075  
or by email to: MiriamTauberLaw@gmail.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 3/8/2018

/s/ P. Canales

Signature of Clerk or Deputy Clerk



AO 440 (Rev. 06-12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* NANCY RUBIN, 625 BODWELL ST EXT.  
 was received by me on *(date)* 5/1/18 AVON, MA

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_

on *(date)* \_\_\_\_\_ : or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_

, a person of suitable age and discretion who resides there.

on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address: or

☒ I served the summons on *(name of individual)* BRAD RUBIN, V.P. WHITE MALE 55 Y.O., 5'9", 175"-  
GREY HAIR, who is  
 designated by law to accept service of process on behalf of *(name of organization)* NANCY RUBIN

on *(date)* 5/4/18 : or

☐ I returned the summons unexecuted because \_\_\_\_\_

: or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date:

5/4/18

Mark Nicol  
 Server's signature

MARK NICOL - PROCESS SERVER  
 Printed name and title

PO BOX 889103  
MILWAUKEE, WI 53218-03  
 Server's address

Additional information regarding attempted service, etc:

**Served: Summons and Second  
 Amended Complaint with Exhibits.**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Aaron Rubenstein,

Plaintiff,

-VS-

Case No.  
17 Civ. 821 (JPO)

AFFIDAVIT OF  
MAILING

Carlos Rodriguez, John R. Burch, et al.

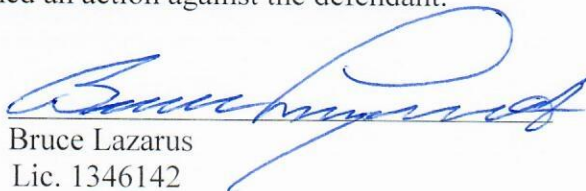
Defendants.

STATE OF NEW YORK}  
COUNTY OF NEW YORK}ss:

Reginald Hunter, being duly sworn, deposes and says, I am not a party to this action, am over 18 years old and reside at Bronx, NY;

On May 7, 2018, I mailed a copy of the within SUMMONS, SECOND AMENDED COMPLAINT to NANCY RUBIN, defendant therein named, at 17 SAINT JAMES DRIVE, PALM BEACH GARDENS, FL. 33418-4018, his/her last known address by enclosing same in an envelope, postage prepaid, and depositing it in an official depository under the exclusive custody and control of the United States Postal service. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

Sworn to before me this  
7<sup>th</sup> day of May 2018.

  
Bruce Lazarus  
Lic. 1346142

  
NOTARY PUBLIC

MAUREEN I. MINTZER  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02MI4827421  
Qualified in Westchester County  
My Commission Expires May 31, 2018





## Certificate Of Mailing

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From:

4/2  
205 E. 42ND ST  
20TH FL  
NYC 10017

To:

ROBERT RUBIN  
17 SAINT JAMES DR.  
PALM BEACH GARDEN  
FL 33418-4018

PS Form 3817, April 2007 PSN 7530-02-000-9065

1000



U.S. POSTAGE  
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10017  
MAY 07 18  
AMOUNT  
\$1.40  
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205 E. 42ND ST  
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NYC 10017

To:

NANCY RUBIN  
17 SAINT JAMES DR  
PALM BEACH GARDEN  
FL 33418-4018

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